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Human rights questions: comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Follow-up to the World Conference on Human Rights

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the final report of the United Nations High Commissioner for Human Rights on the implementation of the Vienna Declaration and Programme of Action, in accordance with Assembly resolution 52/148 of 12 December 1997.

* A/53/150.



Annex

Report of the United Nations High Commissioner for Human Rights

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I. Introduction

1. On 10 December 1948, the United Nations General Assembly proclaimed the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations. The Declaration's fiftieth anniversary presents an ideal occasion to place its message again at the centre of the international and national agendas, and to make new commitments aimed at fulfilling its promise for all people. 1998 also marks the anniversary of another watershed in the international promotion and protection of human rights. Five years ago, 171 United Nations Member States participating in the World Conference on Human Rights at Vienna unanimously adopted the Vienna Declaration and Programme of Action. Four sessions of the Preparatory Committee, as well as three regional meetings and hundreds of other pre-Conference meetings had preceded the Conference. In addition, thousands of preparatory documents and position papers, contributions by 95 international organizations, expert bodies, national human rights institutions and approximately 900 non-governmental organizations were considered as part of the World Conference process. The developments of the past five years confirm the overall guidance which the Vienna Declaration and Programme of Action has provided to worldwide efforts for human rights.

2. The World Conference on Human Rights requested the Secretary-General of the United Nations to invite, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, all States and all organs and agencies of the United Nations system related to human rights to report to him on the progress made in the implementation of the present Declaration, and to submit a report to the General Assembly at its fifty-third session, through the Commission on Human Rights and the Economic and Social Council. In addition, regional and, as appropriate, national human rights institutions, as well as non-governmental organizations, were invited to present their views to the Secretary-General on the progress made in the implementation of the Declaration (sect. II, para. 100). The General Assembly, in its resolution 52/148, requested the United Nations High Commissioner for Human Rights to present the final report on the progress made in the implementation of the Vienna Declaration and Programme of Action to the General Assembly at its fifty-third session.

3. The five-year review of the Vienna Declaration and Programme of Action is an important part of the follow-up mechanism to the World Conference on Human Rights, which includes:

(a) Consideration by the General Assembly, the Economic and Social Council, the Commission on Human Rights and other organs and agencies of the United Nations system related to human rights, of appropriate measures to fully implement recommendations contained in the Vienna Declaration and Programme of Action;

(b) The annual review by the Commission on Human Rights of progress made to that end;

(c) Establishment of the United Nations High Commissioner for Human Rights as the official with principal responsibility for United Nations human rights activities under the direction and authority of the Secretary-General (see Assembly resolution 48/141 of 20 December 1993). The overall mandate of the High Commissioner includes the coordination of the implementation of the Vienna Declaration and Programme of Action by the United Nations system;

(d) Participation by the High Commissioner in the process of coordinated follow-up to world conferences and summits established by the Economic and Social Council (see Council resolution 1997/61) and the Administrative Committee on Coordination.

4. The Office of the United Nations High Commissioner for Human Rights (OHCHR) requested all interested parties to submit their contributions to the review process. Reports have been received from the following Governments: Australia, Austria, Bahrain, Belarus, Belgium, Benin, Brazil, Brunei Darussalam, Canada, China, Croatia, Cuba, Cyprus, Czech Republic, Djibouti, Egypt, Finland, France, Germany, Greece, Guatemala, India, Iraq, Ireland, Japan, Kuwait, Libyan Arab Jamahiriya, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Peru, Poland, Republic of Korea, Russian Federation, Spain, Sudan, Sweden, Switzerland, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Venezuela and Viet Nam. China and Cuba sent their views concerning the review process. The following United Nations bodies have submitted their reports: the Division for the Advancement of Women (DAW), the Department of Public Information (DPI), the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO), the United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Centre for Human Settlements (Habitat), the United Nations Centre for International Crime Prevention (UNCICP), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Office of the United Nations High Commissioner for Refugees

(UNHCR), the United Nations Children's Fund (UNICEF), the United Nations Industrial Development Organization (UNIDO), the United Nations Development Fund for Women (UNIFEM), the United Nations Population Fund (UNFPA), the United Nations Volunteers (UNV), the World Food Programme (WFP) and the World Health Organization (WHO). Contributions have been received from the Council of Europe, the Organization of American States and the national human rights commissions of Canada, New Zealand, the Philippines and Zambia. The 1998 Global Non-Governmental Organization Forum on the Vienna Declaration and Programme of Action (Ottawa, 25 and 26 June 1998) submitted its final document as an input to the five-year review. Also, the Dutch section of the International Court of Justice, the Organizing Committee for the International Conference on Human Rights Education in the Asia-Pacific Region (to be held at Osaka, 25-27 November 1998), and the Kensington Welfare Rights Union of Philadelphia sent their comments. All contributions will be available during the fifty-third session of the General Assembly.

5. The reports submitted by Governments in the framework of the present review addressed all aspects of the Vienna Declaration and Programme of Action, and reflected both national and international dimensions of human rights. The substance dealt with in the reports can be categorized as follows:

(a) Views of Governments concerning the role of the Vienna Declaration and Programme of Action: while stressing the need for a balanced approach, the reports usually attach particular importance to some specific aspects of the document;

(b) The presentation of steps undertaken to implement the Vienna Declaration and Programme of Action at both the national and international levels;

(c) Overall comments of Governments regarding the international promotion and protection of human rights.

In the light of the available reports, the following positive developments can be highlighted: human rights-oriented changes in national legislation; enlargement of national human rights capacities, including the establishment or strengthening of national human rights institutions; special protection extended to women, children and vulnerable groups; development of human rights education programmes; and adoption of national plans of action.

6. The initial evaluation of the implementation of the Vienna Declaration and Programme of Action was undertaken by the Commission on Human Rights at its fifty-

fourth session, on the basis of the interim report entitled "Five-year review of the implementation of the Vienna Declaration and Programme of Action" (E/CN.4/1998/104) submitted by the United Nations High Commissioner for Human Rights. The Economic and Social Council devoted the coordination segment of its substantive session of 1998 to the coordinated follow-up to and implementation of the Vienna Declaration and Programme of Action (see Council decision 1998/208). The Secretary-General's report (E/1998/60), which was prepared within the framework of inter-agency consultations organized by the United Nations High Commissioner for Human Rights in 1997 and 1998, provided the basis for discussion. The agreed conclusions of the Council reflect examination of: (a) methods of achieving a system-wide approach to human rights; (b) inter-agency cooperation and coordination to achieve better results in the implementation of the Vienna Declaration and Programme of Action; (c) examples of best practices by the United Nations system in the implementation of the Vienna Declaration and Programme of Action; and (d) areas of responsibility in which efforts should be made to implement fully the Vienna Declaration and Programme of Action. The review carried out by the Council indicates a growing involvement on the part of agencies and programmes in activities relevant to human rights (see also para. 25 below).

7. The World Conference on Human Rights focused specific attention on recommendations intended to strengthen the structural capacities of the United Nations human rights system. The Vienna Declaration and Programme of Action makes particular reference to the necessity for a continuing adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights (sect. II, para. 17). Several steps have been undertaken to follow this recommendation, including the restructuring of the relevant part of the Secretariat. With a view to enhancing their effectiveness, the Commission on Human Rights, in its decision 1998/112, decided to appoint the Bureau to undertake a review of its mechanisms. The Bureau will make its recommendations to the Commission at its fifty-fifth session. A special task force responsible for the analysis of the human rights machinery established within the Office of the United Nations High Commissioner for Human Rights (OHCHR) cooperates closely with the Bureau of the Commission. Taking into account these recent developments, the present report will not address this issue comprehensively.

8. Also with reference to the reform of the human rights machinery, the Vienna Declaration and Programme of

Action called for consideration of the establishment of the post of High Commissioner for Human Rights (sect. II, para. 18). On 20 December 1993, the General Assembly unanimously adopted resolution 48/141, in which it created this post. Mr. José Ayala Lasso, the Permanent Representative of Ecuador to the United Nations in New York, was appointed as the first United Nations High Commissioner for Human Rights. On 12 September 1997, Mrs. Mary Robinson, the President of Ireland, began her tenure as the High Commissioner for Human Rights. Contributions to the five-year review have suggested that the decision of the General Assembly to create the post of High Commissioner could justifiably be considered as one of the most important results of the Vienna Conference.

9. The present report, together with contributions submitted by States, components of the United Nations system, regional organizations, national institutions and non-governmental organizations, presents a general overview of relevant activities, and should facilitate the analysis of the implementation of the Vienna Declaration and Programme of Action by the General Assembly. In order to obtain more detailed information, the reports of the Secretary-General and the United Nations High Commissioner for Human Rights, as well as reports of treaty bodies and special procedures established by the Commission on Human Rights, which as a rule are submitted annually to the General Assembly and the Commission on Human Rights, should be consulted. Since the Secretary-General's report to the Economic and Social Council and agreed conclusions of the Council dealing with the United Nations system contribution have been made available to the General Assembly, the present report attaches greater emphasis to other aspects of the implementation of the Vienna Declaration and Programme of Action, in particular to measures undertaken at the national level.

II. Universality of human rights

10. The World Conference on Human Rights not only reaffirmed the universality of human rights and the related commitments of States but also unanimously endorsed the universality of all the basic principles that should guide the promotion and protection of human rights worldwide. Since the World Conference, the international community has continuously reiterated the validity of the universality of human rights, recognizing that although the significance of national and regional particularities, as well as various historical, cultural and religious backgrounds, must be borne in mind, it is the duty of States, regardless of their political,

economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

11. The universal ratification of relevant international instruments called for by the World Conference would provide the most stable and effective foundation for ensuring respect for and observance of human rights in all countries. The World Conference specifically recommended that in the framework of the five-year implementation review of the Vienna Declaration and Programme of Action, progress towards the goal of universal ratification of international human rights treaties should be addressed (sect. II, para. 100). Five years later, an increase of nearly 28 per cent of new ratifications can be noted (see figure 1).

12. The number of countries which have not ratified the core human rights treaties remains, however, distressing. Almost one third of all countries have not acceded to the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights. More than 40 countries continue to have difficulties in ratifying the International Convention on the Elimination of All Forms of Racial Discrimination. Although it is encouraging that over 30 States have ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since 1993, it is, however, a cause of serious concern that almost half of the United Nations Member States are not parties to this Convention which prohibits torture, one of the most atrocious violations against human dignity. Equally disappointing is the fact that eight years since its adoption by the General Assembly, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families has only nine States parties, less than half of the ratifications necessary for it to enter into force. Progress in adhering to the existing optional communication procedures is also not satisfactory (see figure II). This is regrettable since access to these procedures makes the respective human rights treaties living law for the people who claim that their rights have been violated.

13. Unfortunately, declarations announcing withdrawals from treaty obligations have also been noted. Although isolated, these declarations are particularly disappointing since they oppose the general understanding of the World Conference that countries should take bold steps to strengthen their commitments under international human rights law.

14. The call of the World Conference to avoid, as far as possible, the resort to reservations to international human rights instruments (Vienna Declaration and Programme of Action, sect. I, para. 26 and sect. II, para. 5), must be noted

as another area in which results have been less than satisfactory. Many new ratifications have been accompanied by substantive reservations, and few reservations made previously have been withdrawn. This observation also applies to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, notwithstanding the Vienna Declaration and Programme of Action's explicit statement of concern about the scope of reservations to these two treaties (sect. II, paras. 39 and 46).

15. The General Assembly and the Commission on Human Rights have systematically reiterated the call for universal ratification of human rights instruments. The Secretary-General and the United Nations High Commissioner for Human Rights launched in 1994 and 1997 campaigns to that end by sending letters to all heads of State, prime ministers and foreign ministers. In the context of preparations for the 1998 commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, the Inter-Parliamentary Union adopted a special resolution on 16 September 1997, calling on all Parliaments and their members to strengthen the impact of international human rights law on domestic legal systems, through, *inter alia*, the ratification of still outstanding treaties, as well as ensuring the consistency of national legislation with international human rights standards. In connection with this resolution, the High Commissioner wrote to all the world's Parliaments, calling for the universal ratification and implementation of human rights instruments.

16. With a view to facilitating the ratification process and the fulfilment of commitments under ratified treaties, the Office of the High Commissioner for Human Rights offers technical assistance at the request of States. Two regional meetings of high-level government officials have been organized since the World Conference to discuss various aspects of the human rights treaty system. The meetings were held for the African and Asia and Pacific regions at Addis Ababa (14-17 May 1996) and at Amman (1-4 September 1997) respectively.

17. It is vital that the international community reinforces its efforts towards the ratification of international human rights instruments. A commitment to the universal ratification of the main human rights treaties during the next five years would be a decisive step in this important process.

III. International cooperation and coordination of human rights activities

18. Cooperation is a powerful engine of the international system for the promotion and protection of human rights, and thus it is also one of the most important vehicles for improving the human rights record at the national level. The need for cooperation in the field of human rights was emphasized by the Charter of the United Nations and forcefully reiterated by the World Conference throughout the Vienna Declaration and Programme of Action. The General Assembly called upon Member States, intergovernmental organizations and specialized agencies to continue to carry out constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encouraged non-governmental organizations to contribute actively to this endeavour (see General Assembly resolution 52/134 of 12 December 1997). The High Commissioner has been specifically mandated to act with a view to enhancing such cooperation.

19. While speaking about international cooperation in the field of human rights, the Vienna Declaration and Programme of Action places emphasis on some tenets which are of relevance in this context, including the following: (a) the primary responsibility for the promotion and protection of human rights rests with Governments; (b) the promotion and protection of all human rights is a legitimate concern of the international community; (c) the international community should cooperate towards a better implementation of human rights, prevention of human rights abuses, and eradication of the gravest human rights violations; (d) the international protection and promotion of human rights is effective only if based on the principle of the indivisibility and equal value of all human rights – civil, cultural, economic, political and social, including the right to development; (e) the interdependence between democracy, development and respect for human rights offers a fundamental framework for progress in the field of human rights; (f) the international and regional systems of human rights protection are complementary, and should support each other; and (g) non-governmental organizations should be fully recognized as partners in international cooperation for human rights.

20. The Vienna Conference's focus on international cooperation has produced positive results. A trend can be noted towards broadening the area of international consensus in human rights matters, also regarding some issues which

in the past prompted strong controversies. The fifty-fourth session of the Commission on Human Rights (1998) saw an unprecedented number of decisions outlining action aimed at the realization of economic and social rights. The most noteworthy in this context is the consensus achieved on resolutions concerning the right to development, both in the General Assembly and the Commission on Human Rights. The international reaction to recent initiatives relating to the review of the human rights machinery gives rise to the hope that constructive solutions are also feasible in this complicated area. It is the determined will of OHCHR to actively facilitate and support these encouraging developments.

21. Comments by Governments to the present review emphasize, *inter alia*, (a) the important role of close international cooperation as the framework for progress in the field of human rights; (b) the need for greater effectiveness and efficiency of the international system to promote and protect human rights and for the adaptation of the human rights machinery to evolving needs; (c) the necessity to increase resources earmarked for the United Nations human rights programme to enable, *inter alia*, a prompt response to requests for technical assistance. Critical views on the present status of international cooperation in the field of human rights should also be noted. Some Governments maintain that a biased and politicized attitude to human rights is presented in international forums. The insufficient priority given to various aspects of human rights, resulting in a negative impact, especially on the implementation of economic, social and cultural rights and the right to development, has also been highlighted.

22. A matter of particular concern are cases of inadequate or missing cooperation on the part of some Governments with the human rights machinery. The unwillingness to cooperate with special procedures of the Commission on Human Rights not only hinders the fulfilment of the respective mandates but also deprives Member States of assistance offered by their holders. The Commission on Human Rights and the General Assembly deplore such refusals. Although rare, cases of reprisals against individuals who have cooperated with the United Nations human rights machinery or against holders of United Nations human rights mandates themselves are particularly distressing. The General Assembly and the Commission on Human Rights continue to condemn such cases.

23. Regional organizations are crucial partners in international cooperation for the promotion and protection of human rights. Possibilities for closer elaboration between the United Nations human rights programme and regional organizations still require further exploration and utilization,

including in the areas of technical assistance and advisory services, institution-building and human rights education, as well as in the prevention of and response to conflicts. By working together in the framework of specific country projects, international and regional organizations could better utilize resources and more swiftly respond to the needs of Governments and societies. This was also the conclusion of the last periodical meeting of the Secretary-General with the Heads of the regional organizations (27 and 28 July 1998). Numerous examples mentioned in the High Commissioner's reports to the General Assembly and the Commission on Human Rights illustrate progress in the development of cooperation between the United Nations and regional organizations of Africa, the Americas and Europe. They include technical assistance provided by OHCHR (e.g., in the case of the African Commission on Human and People's Rights), as well as situations in which assistance from regional organizations enabled the Office of the High Commissioner to carry out its mandates (e.g., financial support from the European Union for the High Commissioner's operation in Rwanda). The World Conference also reiterated the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist. Discussions concerning regional or subregional human rights arrangements in Asia, in which the High Commissioner participates, continue.

24. The Vienna Declaration and Programme of Action recognized the important role of non-governmental organizations in the promotion and protection of human rights and in humanitarian activities at national, regional and international levels (sect. I, para. 38). The increased multifaceted participation of civil society, in particular non-governmental organizations and the academic community, in the human rights dialogue, in monitoring human rights developments and mobilizing public opinion, and in initiating projects serving human rights, in particular at the national level, should be viewed as lasting achievements of the Vienna Conference process. The Office of the High Commissioner has established close cooperation with non-governmental organizations, which includes programming human rights activities, country visits, meetings of the United Nations human rights organs, and reaction to human rights violations are now established practice. In the promotion of human rights, including human rights education and human rights institution-building, non-governmental organizations are indispensable partners. Regular contacts are maintained with non-governmental organizations at Headquarters and in the field. Non-

governmental organizations are an important source of information for the United Nations human rights machinery. The partnership between the United Nations human rights programme and non-governmental organizations should be further promoted and made more effective, including through participation in the implementation of technical cooperation projects. It is also important that procedures at the national and international levels be reviewed to facilitate the full participation of non-governmental organizations in the work for human rights. Non-governmental organizations, in their comments submitted to the five-year review, welcome the growing recognition by Governments and United Nations bodies of their contribution and urge that civil society organizations and social movements be provided broader access to United Nations policy-making bodies as well as monitoring bodies to enhance the input from civil society to the realization of the interrelated goals of human rights, peace and development. It is pivotal that the United Nations is completing the creation of a framework of principles to protect human rights defenders. Five years after the call by the World Conference for its speedy completion and adoption (Vienna Declaration and Programme of Action, sect. II, para. 94), the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms has been submitted for final adoption by the General Assembly.

25. The World Conference underscored the importance of making human rights a priority objective of the United Nations. In its appeal for a system-wide approach to human rights, the Conference encouraged all relevant specialized agencies and bodies of the United Nations system to take into account its recommendations (Vienna Declaration and Programme of Action, sect. I, para. 4; and sect. II, para. 3). Better intra-system coordination of relevant activities, consistent with international human rights standards, is one of the fundamental themes of the Vienna Declaration and Programme of Action. In his report to the Economic and Social Council (1998 coordination segment), reflecting the contribution by the United Nations system to the implementation of the Vienna Declaration and Programme of Action, the Secretary-General noted that, five years after the World Conference on Human Rights, the ability of the United Nations system to assist Governments and societies in their efforts to ensure human rights for all people had undoubtedly been enhanced. The United Nations system was currently better prepared to respond positively to continually growing needs. It was evident that placing the human being and the protection of his/her rights at the centre of United Nations activities was the unifying factor that

could bind the work of the United Nations system together towards meeting the goals set by the World Conference on Human Rights and other United Nations conferences and summits. The signs that the process had already begun were encouraging. However, current realities were more than adequate proof of the fact that the international community had not yet been able to utilize the entire potential of Vienna. That comment can be addressed also to our Organization. Therefore, the work of the United Nations system over the next five years should build on the progress achieved to date, as well as take bold new steps to promote and protect the rights of all people. The Vienna Declaration and Programme of Action should guide us in our efforts towards making that imperative a reality (see E/1998/60, conclusions). The Economic and Social Council, at its substantive session of 1998, after examining the coordinated follow-up to the Vienna Declaration and Programme of Action by the United Nations system, adopted comprehensive agreed conclusions, the implementation of which will be analysed at its substantive session of 1999 (see para. 6 above).

IV. Democracy, development and human rights, and the right to development

26. The World Conference forged consensus around the overarching concept of the interdependence and mutual reinforcement between democracy, development and human rights (Vienna Declaration and Programme of Action, sect. I, para. 8). Since 1993, this concept has become a basic guidance for the international human rights system, and has been reinforced through other world summits and conferences, such as the 1995 World Summit for Social Development. Without sustainable development strategies to provide an adequate standard of living for all people and without democratic structures in place through which people can actively participate in the civic life of their communities, human rights cannot be fully realized. At the same time, respect for and observance of human rights is a precondition of sustainable development and democracy (see also chap. XII below).

27. The Vienna Declaration and Programme of Action reaffirmed the right to development as a universal and inalienable right, integral to fundamental human rights. The Commission on Human Rights, at its fifty-fourth session reiterated that the essence of the right to development is the principle that the human person is the central subject of development, and that the right to life includes within it existence in human dignity with the minimum necessities of

life (see Commission resolution 1998/72 on the right to development). The concept of the right to development allows the ties between all rights to be recognized, and enables them to be perceived from the perspective of the individual's participation in sustainable development. Consequently, the right to development includes the place of individuals in society, their participation in running public affairs at national and community levels, their personal, economic and social security, and their capacity to determine and realize their potential.

28. As is the case with all human rights, domestic action is decisive for the implementation of the right to development. Some governmental reports inform about particular initiatives in this context, such as the adoption of national developmental programmes, special projects targeting poverty alleviation in specific areas or with regard to specific groups, and adopting a human rights approach to developmental activities. Several countries also referred to their contributions to multilateral and bilateral developmental cooperation, including provision of assistance, cancelling the accumulated interest on debts owed by developing countries, and professional training for foreign citizens. The Copenhagen Declaration on Social Development and other United Nations documents clearly endorse the principle that each State bears the primary responsibility for its own development. However, sustainable development also requires appropriate international arrangements on the basis of which cooperation and assistance can be offered to countries and societies which need it. The 1995 World Summit for Social Development at Copenhagen, the International Conference on Population and Development at Cairo, the World Food Summit in Rome and the United Nations Conference on Human Settlements (Habitat II) at Istanbul all stressed that the international community cannot limit its assistance to humanitarian aid but should contribute to sustainable development of societies if all human rights, including the right to development, are to be duly implemented.

29. The Commission on Human Rights, in its resolution 1998/72 adopted at its fifty-fourth session, affirmed that although a number of developing countries have experienced rapid economic growth in the recent past and have become dynamic partners in the international economy, the gap between developed and developing countries remains unacceptably wide and developing countries continue to face difficulties participating in the globalization process, so that many risk being marginalized and effectively excluded from its benefits. The Commission also affirmed that democracy had raised development expectations everywhere, the non-fulfilment of which risks the rekindling of non-democratic

forces, and emphasized that structural reforms that do not take social realities into account could destabilize democratization processes. It also emphasized that democracy, respect for all human rights and fundamental freedoms, including the right to development, transparent and accountable governance and administration in all sectors of society, as well as effective participation by civil society, are essential parts of the necessary foundations for the realization of social- and people-centred sustainable development. The Commission further emphasized that the participation of developing countries in the international economic decision-making process needs to be broadened and strengthened. Arriving at similar conclusions, the Working Group on the Right to Development established by the Commission on Human Rights in 1995 noted that despite overall global economic growth, 89 countries were at that time in a worse position economically than they were 10 or more years before (E/CN.4/1997/22). An economic growth-centred approach to development is not sufficient to meet the challenge of severe poverty in the world, which affects an estimated 1.3 billion people. The United Nations organs and bodies have emphasized on various occasions that both national-level policies and a conducive international environment are necessary prerequisites for assisting those segments of the population that have been marginalized by the negative impact of globalization and economic adjustment. They have repeatedly addressed the Bretton Woods and other financial institutions involved in developmental projects, in particular in the context of economic adjustment programmes, to recommend that their activities promote the protection of the economically vulnerable.

30. The Commission on Human Rights, in its resolution 1998/24, also called attention to the debt crisis, and emphasized that in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries within the United Nations system, based on the principle of shared interests and responsibilities. Indeed, a concerted effort is needed to reduce public indebtedness, one of the biggest problems facing developing countries and transition economies. The UNDP *Human Development Report 1997* notes that the debt of the 41 highly indebted poor countries totalled \$215 billion, up from \$183 billion in 1990 and \$55 billion in 1980. The Commission on Human Rights also called on the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, in particular of the less developed countries, and especially to the social impact of measures arising from foreign debt.

31. In the years to come, a new mechanism established by the Commission on Human Rights in its resolution 1998/72 will monitor and review progress made in the promotion and implementation of the right to development and suggest relevant programmes of technical assistance. This mechanism will consist of an open-ended working group and an independent expert in the field of the right to development.

32. The basic link between democracy, development and human rights requires that all human rights be viewed as universal, interdependent and equally important. This means, however, that particular attention be paid to those rights that are currently inadequately protected: from a global perspective, economic, social and cultural rights still require better determination of their content and strengthening the means and methods of their realization. Therefore, various parts of the United Nations system have recently placed these rights on their agendas. The right to food, adequate housing, health, eradication of extreme poverty and respect for international labour standards (including freedom of association and collective bargaining in the area of labour, freedom from discrimination in labour, elimination of forced labour and exploitive child labour) are also subject to inter-agency cooperation. An integrated approach to all human rights has been adopted, *inter alia*, in the recent UNDP policy document entitled "Integrating human rights with sustainable development". OHCHR has launched a global technical cooperation project to support the implementation of economic, social and cultural rights, and is taking steps to support the Committee on Economic, Social and Cultural Rights. Several seminars have been held to that end, including a recent expert round table on the theme "Benchmarks for economic, social and cultural rights", organized by OHCHR on 26 March 1998. The recommendation by the World Conference to continue the examination of an optional protocol to the International Covenant on Economic, Social and Cultural Rights with a view to establishing a communication procedure has been followed by the Committee on Economic, Social and Cultural Rights. No consensus to begin the drafting process has yet been reached.

33. The Commission on Human Rights, at its fifty-fourth session, created mandates of special rapporteurs and independent experts to address the right to development, the right to education and extreme poverty. This will not only enhance the information necessary for the decision-making process in United Nations organs and bodies but will also help to focus the attention of the international community on these fundamental issues. The United Nations High Commissioner for Human Rights proposed that the General

Assembly's Second and Third Committees work jointly to implement the right to development by focusing on the elimination of poverty, with particular emphasis placed on basic security, which is necessary to enable individuals and families to enjoy fundamental rights and assume basic responsibilities.

V. Racism, racial discrimination, xenophobia and other forms of intolerance

34. The prohibition of discrimination is rooted in the equal dignity of all people. The Vienna Conference made it clear that it is not enough to condemn racism, racial discrimination, xenophobia and other forms of intolerance. These deplorable phenomena threaten the harmony and stability of societies, and undermine the values espoused in the Vienna Declaration and Programme of Action. Action at both international and national levels is necessary to eradicate them. Governments, intergovernmental and non-governmental organizations and individuals have their own important responsibilities in this context.

35. Progress during the last five years is symbolized in the collapse of apartheid in South Africa. The Presidency of Nelson Mandela is a personification of a continuous struggle for respect for rights of all people. Several countries have changed their legislation, and have taken additional measures to prevent or stop racial or otherwise motivated discrimination. Examples of such policies include prohibition of the incitement of racial hatred; combating racist organizations; steps to halt the proliferation of hate propaganda on the Internet; penal regulation to punish discriminatory behaviour, hate crimes, and racial violence; and regionally based monitoring centres to combat racism and xenophobia. Special attention has been paid to education for tolerance and against discrimination. In many countries, special institutions have been created to develop programmes against bigotry and racism. An interesting example in this regard can be seen in the establishment of youth forums to counter xenophobic attitudes and racially motivated violence among young people. Special programmes have also been implemented to demonstrate the value of capitalizing on linguistic and cross-cultural skills in the market and workplace.

36. Racism and racial discrimination continue to be high on the agenda of the General Assembly, the Commission on Human Rights and other United Nations organs and bodies. The Third Decade to Combat Racism and Racial

Discrimination (see Assembly resolution 48/91) was proclaimed in 1993 to provide a framework for supporting national and international efforts to combat racism. 1995 was proclaimed the International Year of Tolerance (see Assembly resolution 48/126). The General Assembly adopted a draft model national legislation for the guidance of Governments in the enactment of further legislation against racial discrimination (see Assembly decision 48/426). The Commission on Human Rights, at its forty-ninth session, decided to appoint a Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. OHCHR organized, *inter alia*, several seminars to promote the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and support activities against new forms of racial discrimination, including in the context of migration. The United Nations Voluntary Fund for the Programme of Action of the Third Decade to Combat Racism and Racial Discrimination has played an important role in this context through support for studies, workshops, and seminars. Regrettably, the level of contributions to this Fund has been decreasing (see figure III).

37. Measures undertaken at international and national levels to combat racial and other forms of discrimination have unfortunately not produced satisfactory results to date. Examples of genocide originating in racial and ethnic tensions, waves of refugees and internally displaced persons following ethnic cleansing or similar practices have all taken place since the World Conference on Human Rights. The rise in xenophobic and racially motivated acts of violence continues to plague people in all parts of the globe. They are urgent reminders to the international community that reinforced efforts must be made to stop these abhorrent violations of human rights.

38. Penal measures are not sufficient to effectively act against racial and other forms of discrimination and violence. The eradication of such violations depends primarily on internalization by future generations of the culture of human rights. Educational programmes to promote racial and religious harmony, community programmes to overcome mutual distrust, youth exchange programmes, technical cooperation to assist in law reforms and establishing appropriate institutions and procedures are examples of activities that should be developed worldwide. New manifestations of racism and other forms of intolerance require further research and elaboration of appropriate policies. Early warning should be followed by early action to prevent the outbreak of conflicts.

39. The Programme of Action for the Third Decade to Combat Racism and Racial Discrimination should be

reinvigorated and involve not only governmental agencies but wide circles of civil society. This is not just the responsibility of public officials – all members of society should contribute to that end. The Programme outlines, *inter alia*, educational and promotional activities, as well as advisory services and technical assistance concerning various aspects of racism, racial discrimination and xenophobia, including the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. To realize this Programme, national and international actions should be combined. The planned World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance, to be held not later than the year 2001, should give a strong impetus to making the next century free of these phenomena.

VI. Equal status and human rights of women

40. The equal status and human rights of women has gained new momentum in the 1990s. The World Conference on Human Rights recognized the human rights of women and girls as an inalienable, integral, and indivisible part of universal human rights (Vienna Declaration and Programme of Action, sect. I, para. 18; and sect. II, pars. 36-44), and called on Governments and the United Nations to recognize their implementation as a priority task. The Fourth World Conference on Women held in Beijing in 1995 reaffirmed, refined and expanded further the recommendations made in the Vienna Declaration and Programme of Action.

41. Many States have strengthened the ability of women to exercise their rights. Steps have been taken by Governments to better reflect these rights in national law. In addition, some countries have lifted reservations to the Convention on the Elimination of Discrimination against Women. Several States have embarked on national plans of action that espouse the goal of gender equality by the year 2000. Measures at the national level have also included changes in constitutional and penal laws prohibiting domestic violence, sexual assault and female genital mutilation; enactment of emancipation policies; and the establishment of governmental structures responsible for the management of gender-oriented policies. New laws have been adopted to promote the political advancement of women and support the employment of women in public service. Changes in family law have established additional protection for women against economic discrimination in cases of divorce. The creation of various female education programmes has been widely recognized to be one of the

most fundamental means of increasing the overall welfare of women and thus the entire community. Education empowers women with the knowledge, skills and resources necessary to improve their lives. Priority should be given to eliminating the social and cultural barriers that continue to exclude women and girls from regular education programmes.

42. Despite such examples of progress, women continue to be disproportionately subjected to violations of human rights. From domestic violence to brutalization in war, from harmful traditional practices to outright female infanticide, the status quo remains intolerable. Unequal access and discrimination in the allocation of economic and social resources results in the direct denial of women's economic, social and cultural rights. Those with specific needs are subject to further marginalization due to such barriers as race, language, ethnicity, culture, religion, disability, class or status. Women are often deprived of access to paid work, which is crucial to achieving self-reliance and improving living conditions of their families. Gender violence and discrimination against women must no longer be tolerated in silence or go unpunished. To continue this degrades not only women but also all of humankind.

43. The United Nations response to these challenges is based on the programme of mainstreaming a gender dimension in all the areas of the Organization's activities, as called for by the Vienna and Beijing Conferences (see E/CN.6/1997/2). In this process, specific gender-related recommendations of the Vienna Declaration and Programme of Action are being implemented. In 1994, the Commission on Human Rights appointed a Special Rapporteur on Violence against Women, representing the first and to date the only investigatory procedure with a mandate specifically concerning women. The other special procedures and mechanisms are also increasingly integrating a gender perspective into their work by providing information in their reports on violations of women's human rights. For example, the Special Rapporteur on the situation of human rights in the territories of former Yugoslavia dealt with the use of rape as a weapon of war, and the Special Rapporteur on the sale of children, child prostitution and child pornography has examined the impact of the media on the commercial sexual exploitation of children, particularly the girl child. Developing a gender-sensitive methodology that includes fact-finding will be an essential step in this process.

44. The Office of the United Nations High Commissioner for Human Rights and the Division for the Advancement of Women, the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women have developed close cooperation. A revised joint

work plan between the Division and the Office has been agreed. During the fifty-fourth session of the Commission on Human Rights, a special dialogue on gender and the human rights of women was held, which included the participation of the Chairperson of the Commission on the Status of Women, the United Nations High Commissioner for Human Rights and the Special Rapporteur on Violence against Women, and Government and non-governmental organization representatives. It is hoped that such dialogues will strengthen the work of organs and bodies involved through the greater sharing of information and expertise.

45. In addition to the specific mandate of the Committee on the Elimination of Discrimination against Women, other human rights treaty bodies are also giving increased attention to the issue of the equal status and human rights of women. Their chairpersons are now in the process of planning a seminar that will consider how gender issues can be incorporated in the general comments, recommendations and guidelines of the treaty bodies. The Committee on Economic, Social and Cultural Rights has already amended its guidelines for reports from States parties to include gender-related information.

46. The calls of the World Conference on Human Rights and the Fourth World Conference on Women for the universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000 have both had an impact on the acceleration of the ratification process. Nevertheless, in addition to the above-mentioned problem of widespread reservations (see para. 14 above) the current number of 161 States parties merits concern. Additional efforts are necessary if the goal of universal ratification is to be accomplished by the year 2000. The Vienna Declaration and Programme of Action also requested the Commission on the Status of Women and the Committee on the Elimination of All Forms of Discrimination against Women to consider the preparation of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women for the right of petition (sect. II, para. 40). The Working Group of the Commission on the Status of Women established to draft this protocol has made considerable progress.

47. Further worldwide efforts to improve the situation of women are necessary. Women's human rights are the responsibility of all: Governments, international organizations and civil society. A particular contribution can be expected from non-governmental organizations involved in gender-related issues, which during the Vienna and Beijing Conferences proved that the input from civil society and its organizations are essential factors in the human rights efforts of the international community.

VII. Rights of the child

48. Millions of victims of human rights violations are children. Although the importance of protecting children is a matter of global consensus, children continue to be the most vulnerable sector of society, particularly in situations of conflict or other emergencies. Recognizing the enormous challenges in the protection of children's rights, the World Conference encouraged States to renew their commitment and dedication to "safeguarding the dignity of all children, and to undertake measures for ensuring the survival, protection, development and participation of children. It also recommended that national and international mechanisms and programmes be strengthened to that end (Vienna Declaration and Programme of Action, sect. I, para. 21; sect. II, paras. 45-53).

49. In response to the World Conference's call for its universal ratification by the year 1995, the Convention on the Rights of the Child has nearly achieved this goal (191 ratifications). This quasi-universal ratification of the Convention succeeded in reversing the traditional "invisibility" of children on the international agenda. Today, increased attention is paid in many countries to children and their status as human beings with full rights. *Inter alia*, this development has found its formal expression in legal reforms carried out by States Parties in conformity with the principles and norms of the Convention, which include the establishment of extraterritorial laws designed to punish those who engage in the sexual exploitation of children abroad, the prohibition of practices that harm the girl child, changes in the treatment of child refugee claimants and changes in family law such that the child's welfare is protected in situations of divorce. Such changes have an important impact on family attitudes, education policy, professionals working with and for children, the media and decision makers. The Convention on the Rights of the Child also served as an important guide for the adoption, by the Hague Conference on Private International Law, of new standards for the protection of children.

50. Achievements at the national level also include the creation of institutions set up specifically for the protection of children, such as ombudspersons for children; civil liberties commissions for the rights of the child; national programmes on the rights of the child, as well as child welfare societies; and the establishment of municipal youth councils. Improvements have been made in expanding access to health care and education. Steps have been taken to cut infant and maternal mortality. Since 1985, 2.5 million young lives have been saved through low-cost health programmes. There has also been a great increase in the proportion of girls

enrolled in schools in developing countries. Seemingly simple initiatives can produce important results, as in the cases of placing children's libraries in local communities or organizing school lunch programmes.

51. In developing a system-wide approach to the rights of the child, OHCHR is cooperating closely with UNICEF, which has based its entire programme of activities on the Convention on the Rights of the Child. In this framework, a plan of action to strengthen the implementation of the Convention is being implemented. The purpose of this plan, for which contributions from States parties to the Convention have been received, is to provide substantive support to the work of the Committee on the Rights of the Child with the States parties' reporting process, and to assist, where necessary, in transforming recommendations into reality through the provision of adequate resources, coordination with partners within the United Nations system and non-governmental organizations, as well as other follow-up.

52. In spite of the efforts already made, movement from commitment to action remains crucial for improving the lives of the world's two billion children. Negative effects of poverty and structural adjustment; high infant mortality rates; malnutrition; child trafficking, sexual exploitation and bonded labour; inadequate health services and poor school attendance; persistent discrimination and cultural practices that harm the girl child; insufficient supplies, access to or services for children in war zones; and a lack of recourse for the complaints of children: these are only some of the obstacles to be removed if the human rights of children are to be effectively protected.

53. Slavery continues to mark its scourge in the form of millions of child labourers, who are often themselves trafficked and sold into the most deplorable conditions. Lingering poverty and a lack of political will has forced millions of children into an existence marred by sexual slavery or ceaseless toils in unspeakable conditions. Children in these circumstances are abused and victimized, with little hope of a better future. The international community must do more to ban the most hazardous forms of child labour and guarantee universal primary education to all children. The Working Group of the Commission on Human Rights is continuing to draft an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Reinforcement of existing efforts to prevent and combat the trafficking of women and children has become one of the main objectives of the Office of the United Nations High Commissioner for Human Rights. The United Nations Voluntary Trust Fund on Contemporary Forms of Slavery was launched in 1991 to provide financial assistance to

organizations that work in this area. However, only US\$ 18,000 were available as of 31 August 1998. An estimated amount of US\$ 130,000 per year is needed for the Fund to fulfil its mandate.

54. An intolerable status quo remains for children living in war-torn societies. In the past decade, some 2 million children have been killed, 4 to 5 million disabled, 1 million orphaned and 12 million left homeless (see UNICEF, 1997 *Progress of Nations*). Addressing this terrible legacy of violence for the child survivors of war zones should include the implementation of programmes that focus on the physical and mental rehabilitation of children who have suffered the consequences of war. Prevention demands the universal ratification of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction. The practice of recruiting child soldiers into armies and militias must also be condemned. Finally, it is crucial that States seriously consider diverting military spending in favour of programmes that will improve the welfare of children. Special mention should be made of the study on the impact of armed conflict on children, undertaken at the request of the Committee on the Rights of the Child. The study process and follow-up activities by the Special Representative of the Secretary-General on Children in Armed Conflict have illustrated the effective interaction between international intergovernmental, non-governmental organizations and academic institutions in the area of children in especially difficult circumstances. After four sessions, the Working Group established by the Commission on Human Rights to draft an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict with a view to raising the minimum age of recruitment continues its work.

55. From the experience gathered by the Committee on the Rights of the Child in its dialogue with Governments, a wide range of measures have been identified that would improve national implementation of the rights of the child. These include advice and assistance to Governments in respect of law reform, the establishment or strengthening of coordinating and monitoring mechanisms, awareness-raising and information campaigns on the Convention, education and training programmes, efforts to combat child exploitive labour and sexual exploitation, improving access to and the contents of education, and the administration of juvenile justice. A concerted effort is required among States, civil society and intergovernmental institutions in order to further initiatives that focus attention on children's issues. Ensuring the effective implementation of the Convention on the Rights of the Child and maintaining the pledges made since the

1990 World Summit for Children and the Vienna Conference are global tasks. Children themselves should also be included in these efforts since they are the ones who must seize, nourish, defend and realize their rights for their generation and those to follow.

VIII. Special protection

Rights of indigenous peoples

56. The Vienna Declaration and Programme of Action calls upon Governments to recognize the value and diversity of indigenous people's cultures and social organization. It reaffirms their unique contribution to the development and plurality of society (sect. I, para. 20; and sect. II, paras. 28-32). Positive steps have been made by several Governments to recognize through legislative means the distinctive identity of indigenous communities and to promote and protect the rights of indigenous people. In some countries, strategies have been designed to remould the relationship between Governments and indigenous populations. Several countries have introduced autonomous institutions, as well as other programmes specifically intended for indigenous people at the local and regional levels, including in such areas as education and language programmes. Governmental structures have also been established to assume responsibility for handling indigenous issues. In some cases, specific grievances and disputes have been mediated or are in the process of mediation. Some Governments also report on their involvement in the preservation of rainforests. Nevertheless, a great deal remains to be done in order to resolve the outstanding issues affecting indigenous people, including the crucial issue of land. National economic development can exert pressure on territory still in the hands of indigenous people. This could have adverse effects on the economies, habitats and social, religious and cultural life of indigenous people. A number of Governments have responded to this problem through dialogue with indigenous people.

57. The Working Group established by the Commission on Human Rights to review the draft United Nations declaration on the rights of indigenous peoples adopted by the Subcommission on the Prevention of Discrimination and Protection of Minorities continues its work. Indigenous participation in the work of the United Nations system has increased: 15 indigenous organizations currently have consultative status with the United Nations Economic and Social Council. Two workshops (at Copenhagen in June 1996 and Santiago in June 1997) have also dealt with the matter of the establishment of a permanent forum for

indigenous peoples within the United Nations system. To date, no clear consensus has emerged on the terms of reference for such a forum. Recently, the Commission on Human Rights authorized the establishment of an open-ended inter-sessional ad hoc working group to elaborate and further consider proposals relating to this subject (see Commission resolution 1998/20). Meanwhile, the Working Group on Indigenous Populations of the Subcommission on the Prevention of Discrimination and Protection of Minorities has developed into an annual platform for the exchange of views and experiences, which is now one of the largest international human rights gatherings. The Voluntary Fund for Indigenous Populations has provided resources for the participation by representatives of indigenous communities in the Working Group.

58. The International Decade of the World's Indigenous Peoples (1994–2003) offers a framework for programmes and activities to improve the conditions of indigenous peoples in such areas as health, education, development and human rights (see E/CN.4/1998/107). These include an indigenous fellowship programme, small grants for indigenous organizations and a series of workshops on indigenous issues. The United Nations Voluntary Fund for the Decade of the World's Indigenous People provides financial support to these activities (see figure III).

59. Recommendations of immediate priority should include adopting the Declaration on the Rights of Indigenous Peoples by the end of the Decade; continuing contributions to the Voluntary Fund for the Decade of the World's Indigenous Peoples; working towards the possible establishment of a permanent forum on indigenous peoples within the United Nations system; and establishing strategies designed to improve relations between States and indigenous peoples.

Rights of persons belonging to national or ethnic, religious and linguistic minorities

60. The World Conference on Human Rights urged Governments to promote and protect the rights of persons belonging to minorities, and to facilitate their full participation in the social, economic, cultural and religious life of society. Governments, in accordance with the 1992 Declaration on the Rights of Persons belonging to Minorities, have focused on legal and institutional measures to protect the cultural, religious and linguistic integrity of minorities, ensure the participation of minorities in decision-making concerning questions involving their status, and to promote minority development. Several new constitutions ensure the protection of minorities. Laws concerning the

status of minorities and the rights of their members have been enacted. School instruction in minority languages has been expanded. Policies of support to projects aimed at the preservation of cultural heritage, as well as special measures to reduce unemployment among minorities, have been adopted. Some Governments have established specialized institutions to deal with minority issues, which include representatives of minorities. A number of countries also report that they have ratified the Council of Europe Framework Convention for the Protection of National Minorities.

61. It can be generally stated that the transition to democracy usually has a positive impact on the resolution of minority issues. It is also encouraging to note that protection of minorities is increasingly subject to bilateral and regional treaties and agreements. OHCHR provides assistance in drafting laws designed to protect and promote the identity and characteristics of minorities, and has also been involved in organizing training seminars on the rights of persons belonging to minorities and workshops on peaceful resolution of conflict involving minorities. Inter-agency consultations on minority issues have also been initiated by OHCHR with a view to enhancing such networks of exchange.

62. The Subcommission's Working Group on Minorities, established in 1995, has increasingly become a forum for dialogue between its members, Governments, non-governmental organizations and representatives of minorities. It has developed suggestions for future action that could revolve around (a) dissemination of information on successful measures adopted to promote and protect the rights of persons belonging to minorities, (b) advisory services and technical assistance in minority-related issues, (c) publications of human rights materials in minority languages, and (d) incorporation of training on the rights of persons belonging to minorities within the United Nations Decade for Human Rights Education.

63. In too many cases, however, minorities encounter problems that have often led to serious conflicts in the past. Refusal of the recognition of the needs of minorities by Governments, inadequate laws and policies protecting minorities, discrimination against minorities and intolerance should all be mentioned in this context. Resolution of these problems would be strongly facilitated by the recognition of the role of minorities in the cultural enrichment of the society.

Rights of internally displaced persons

64. The World Conference on Human Rights called for lasting solutions to questions related to internally displaced persons (IDPs), including their voluntary and safe return and rehabilitation (Vienna Declaration and Programme of Action, sect. I, para. 23). Unfortunately, five years later, this phenomenon continues to be one of the major challenges confronting the international community. The number of IDPs has now reached between 25 and 30 million. At the moment, the United Nations is monitoring serious problems of internal displacement in more than 35 countries.

65. The Secretary-General's Representative on Internally Displaced Persons has maintained a continuous dialogue with Governments (see E/CN.4/1996/52, paras. 34-44). He has called for a range of activities that will require the commitment of the entire United Nations family to implement. Among others, they include disseminating the normative standards on internal displacement and promoting their use by Governments, international organizations and non-governmental organizations; training of United Nations staff members on internal displacement; monitoring problems of internal displacement; and establishing an institutional framework that could effectively promote and protect the human rights of IDPs. The Representative has also emphasized the importance of system-wide cooperation to eliminate the root causes of displacement and to assist victims. In accordance with a request made by the Commission on Human Rights, the Representative has developed a framework for the protection of displaced persons, as well as the Guiding Principles on Internal Displacement (see E/CN.4/1998/53/Add.2). The purpose of the Guiding Principles is to address the specific needs of IDPs worldwide by identifying rights and guarantees relevant to their protection. The Principles reflect and are consistent with international human rights law and international humanitarian law. It should also be noted that the World Bank has included the reintegration of displaced persons among the components of its new area of activity in post-conflict reconstruction. In cooperation with other components of the United Nations system, OHCHR is focusing on the protection of the human rights of IDPs, and the facilitation of their return and reintegration in conditions of safety and dignity. In the context of the Secretary-General's programme of reform, responsibility for effectively addressing the issue of IDPs has been assigned to the Emergency Relief Coordinator.

66. The reports of the Representative and contributions sent by Governments illustrate that the situation of IDPs has been increasingly recognized as a human rights problem and not only as a humanitarian or political issue. Numerous

initiatives confirm this observation, such as the establishment of national institutions (ombudsman) to address the human rights of IDPs; national information campaigns for IDPs; training for national and international staff involved in assisting IDPs; and programmes for the safe return of IDPs. Special reference should also be made to regional initiatives. For instance, the Inter-American Commission on Human Rights of the Organization of American States (OAS) appointed a rapporteur on IDPs. A permanent consultation on internal displacement in the Americas has been created by intergovernmental and non-governmental organizations to increase protection and assistance for displaced populations. Regional conferences have been held, under joint United Nations and regional sponsorship, on population displacement in the Americas, as well as in the Commonwealth of Independent States (CIS) and the Great Lakes region, to elaborate on comprehensive regional frameworks, including preventive and development strategies. The Organization for Security and Cooperation in Europe (OSCE) and the European Community have deployed staff in the field to defuse the tensions that typically cause displacement and to protect IDPs. Also, bilateral treaties concerning the resolution of problems relating to IDPs have been reported.

Rights of migrant workers

67. Concern over the rise in racist and xenophobic hostility against migrants, as well as their often vulnerable position in labour relations, prompted the World Conference to specifically call for the protection of the human rights of all migrant workers and their families (Vienna Declaration and Programme of Action, sect. II, paras. 33-35). The Commission on Human Rights, in its resolution 1997/75, established an intergovernmental working group of experts to gather information on the obstacles existing to the effective and full protection of the human rights of migrants and elaborate recommendations in this respect. While encouraged by the number of responses received to a questionnaire sent to Governments, the group noted that more than one third of the States responding to the questionnaire expressly recognized the existence of problems of prejudice, xenophobia or racial discrimination against migrants in their respective countries. This was interpreted by the group of experts as an empirical indication of awareness of widespread violations of the human rights of migrants (see E/CN.4/1998/76).

68. A number of reports submitted in the framework of the five-year review refer to measures undertaken at the national level to better protect migrant workers, including amendments of relevant laws; adoption of integrated

governmental policies; and special adaptation programmes for newly arrived immigrants. The Secretary-General will submit to the General Assembly at its fifty-fourth session a comprehensive report on the problem of violence against women migrant workers. In spite of a clear invitation by the World Conference to ratify the 1990 International Convention on the Rights of All Migrant Workers and Members of Their Families, this treaty has not entered into force due to insufficient ratifications. Recently, a worldwide campaign to encourage ratification of this Convention was launched by non-governmental organizations, and has received strong support from ILO and OHCHR.

Rights of disabled persons

69. The World Conference called for national legislation to ensure equal access for disabled persons to all human rights and freedoms (Vienna Declaration and Programme of Action, sect. II, paras. 63-65). To facilitate this task, the General Assembly adopted Standard Rules on the Equalization of Opportunities for Persons with Disabilities (see Assembly resolution 48/96). A Special Rapporteur has been appointed within the framework of the Commission for Social Development to monitor the implementation of the Standard Rules. The General Assembly reaffirmed the continuing validity and value of the World Programme of Action concerning Disabled Persons, and decided that the third quinquennial review and appraisal of the Programme will be presented in 2002.

70. States have taken steps to ensure that the rights of the disabled are respected by all sectors of society by passing legislation that prohibits discrimination based on physical handicaps. In many cases, laws concerning labour and social affairs have also been amended to ensure equal access to health, legal and employment facilities. Some countries have repealed antiquated laws dealing with the compulsory treatment of mentally ill patients. Programmes designed to protect the rights of persons with disabilities, including the allocation of increased budgetary resources, have been developed in some countries. Special institutions have also been mandated to provide assistance services and programmes for persons with disabilities to facilitate their full integration in all areas of society. Vocational training plays an important role in this respect.

71. Consideration of relevant issues by the United Nations organs and bodies demonstrates, however, that mass shortcomings in the area of employment, education, nutrition and health care bring about an increase in the disabled population and create a major obstacle to the realization of human rights of persons with disabilities. Situations of

armed conflict and indiscriminate use of anti-personnel mines, particularly among civilian populations, have especially devastating consequences in this regard. The improvement of the situation of disabled persons remains a significant challenge to the international community. Universal ratification of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction would undoubtedly have an important preventive impact.

IX. Response to acute human rights violations

72. The concern of the international community over particularly acute violations of international human rights and humanitarian law is reflected throughout the Vienna Declaration and Programme of Action. The World Conference expressed its dismay at massive violations of human rights, especially in the form of genocide, "ethnic cleansing" and systematic rape of women in war situations, creating mass exodus of refugees and displaced persons, and also emphasized that perpetrators of such crimes should be punished and such practices stopped immediately (sect. I, para. 28). The World Conference also condemned gross and systematic violations as serious obstacles to the full enjoyment of all human rights (sect. I, para. 30), and called on all parties to armed conflicts to strictly observe international humanitarian law.

73. Steps have been taken in a number of countries to address issues relating to summary and arbitrary executions, torture or other cruel, inhuman or degrading treatment and involuntary disappearances, including legal prohibition of such acts, making these acts punishable by law; improvements in prison conditions; changes in national legislation to address unwarranted periods of detention and to ensure detention provisions consistent with international human rights standards; the creation of national structures to investigate reports of arbitrary executions, torture and involuntary disappearances; and establishing resources provided for the rehabilitation of torture and trauma victims. Some progress has also been made in abolishing the use of capital punishment. Since 1993, nine States have taken this step, bringing the total number of abolitionist countries to 61 as of 5 December 1997 (see E/CN.4/1998/82). The World Conference recommendation concerning the provision of additional resources to the United Nations Voluntary Fund for the Victims of Torture has been echoed by the international community. Contributions to the Fund have

increased steadily in the past five years to reach approximately US\$ 4.5 million in 1997 (see figure III).

74. Five years after the World Conference, the Special Rapporteur on the question of torture stated his disappointment at the high incidence of torture in many countries, while noting that it has substantially diminished in some, notably where United Nations field operations are in place pursuant to a peace agreement (see E/CN.4/1998/38). The Special Rapporteur on extrajudicial, summary or arbitrary executions recently noted that as in previous years, the Special Rapporteur is compelled to conclude that there is no indication that extrajudicial, summary or arbitrary executions have decreased. The Special Rapporteur is convinced that extrajudicial, summary or arbitrary executions can be prevented only if there is a genuine will on the part of Governments and the international community not only to enforce the safeguards and guarantees for the protection of the right to life of every person under its jurisdiction but also to strengthen them further (see E/CN.4/1998/68). The Working Group on Enforced or Involuntary Disappearances, in its last report to the Commission on Human Rights (E/CN.4/1998/43), emphasized that enforced disappearances, although a relatively recent phenomenon, have increased markedly in a number of countries. Most recent cases have occurred in the context of internal armed conflicts, ethnic and religious tensions and other forms of internal disturbances. The Working Group appealed once again to all Governments to take effective measures to prevent the crime of enforced disappearance, noting that if the political will of Governments exists, the phenomenon of enforced disappearances will disappear from history as quickly as it emerged. Reinforced measures to prevent grave human rights violations are necessary at the international and national levels. It must be noted that the recommendation of the World Conference concerning the adoption of an optional protocol to the Convention against Torture establishing preventive visits to places of detention remains unfulfilled. The Working Group of the Commission on Human Rights continues its work with the aim of submitting a final text to the Commission by its fifty-fifth session.

75. Responsibility for human rights violations is an essential component in the full implementation of human rights. The World Conference called on States to abrogate legislation leading to impunity for those responsible for grave violations of human rights and thereby provide a firm basis for the rule of law (Vienna Declaration and Programme of Action, sect. II, para. 60). During the last five years, the relationship between this step and lasting solutions to conflict situations has been widely recognized. The Dayton

Agreement, the activities of the Truth and Reconciliation Commission in South Africa and the truth commissions in some Latin American countries all bear witness to the practical dimension of this approach. The establishment of International Tribunals for the former Yugoslavia and Rwanda, as well as the adoption of the Statute for the International Criminal Court by the International Diplomatic Conference in Rome on 17 July 1998 indicate progress in line with the recommendations made by the World Conference (sect. II, para. 96). These developments provide additional evidence that the international community is determined to hold all individuals, regardless of official rank or capacity, responsible for committing such horrific crimes as genocide, war crimes and crimes against humanity. The question of impunity has been the subject of study by the Subcommission on the Prevention of Discrimination and Protection of Minorities. Two reports have been prepared on the impunity of perpetrators of human rights violations: one in the area of civil and political rights and the other concerning economic, social and cultural rights.

X. Advisory services and technical assistance

76. Technical cooperation in the field of human rights became one of the main items during the Vienna Conference, and was recognized as a basic preventive tool. The Vienna Declaration and Programme of Action emphasizes the need for a comprehensive United Nations programme in this regard and the importance of assistance for the development of national plans of action for human rights, and for strengthening the institutions of human rights, democracy and the rule of law. It also calls for the increased accessibility of the programme, including through the posting of staff in the field.

77. Five years after the Vienna Conference, the once modest programme of technical cooperation in the field of human rights administered by OHCHR is active in more than 50 countries on five continents (see figures IV and V; see also E/CN.4/1998/92). OHCHR teams based in 22 Member States allow for an unprecedented level of sustained human rights support to project partners. Previously comprised of a series of ad hoc initiatives, the programme today forms a comprehensive whole, including a variety of programmes (see figure VI) based on mutually reinforcing substantive components; standardized methodology; and policy framework for its implementation. Demand from Member States, perhaps the most important indicator of the post-Vienna impact of the programme, is at an all-time high.

78. Today, programme areas include a broad range of institutional entry points for human rights, democracy and the rule of law, such as advisory services, training, fellowships and grants directed to constitutional assistance; legislative reform; free and fair elections; independent judiciaries; fair prosecutions; humane policing; decent penal institutions; effective parliaments; independent national ("Paris Principles") institutions; and strong and capable national non-governmental organizations. As mandated by the Vienna Declaration and Programme of Action itself, the programme also makes available direct support for the drafting of national plans of action in the field of human rights.

79. Continuing challenges, however, include the failure of resources to keep pace with ever-increasing demands on the programme (the shortfall as of 31 August 1998: US\$ 5.2 million). Neither regular budget allocations nor contributions to the Voluntary Fund for Technical Cooperation in the Field of Human Rights administered by OHCHR have been sufficient to meet this need. Increased cooperation between OHCHR and the relevant components of the United Nations system and with regional organizations can contribute to improving this situation. For example, OHCHR signed memoranda of understanding with UNDP, UNFPA and the OSCE Office for Democratic Institutions and Human Rights on cooperation both in the field and at headquarters in the area of technical assistance. The memorandum of understanding between UNDP and OHCHR, signed in March 1998, targets increased mutual support, efficiency and effectiveness of the respective programmes. Through coordination of efforts and the combination of different expertise, as in this case, Member States can count on more efficient, readily available and effective assistance in the field of human rights, governance and the rule of law.

XI. Education and public information

80. The Vienna Declaration and Programme of Action affirmed that education on human rights and the dissemination of proper information, both theoretical and practical, play an important role in the promotion and respect of human rights with regard to all individuals without distinction of any kind, such as race, sex, language or religion, and this should be integrated in the education policies at the national as well as international levels (sect. I, para. 33).

81. Pursuant to the recommendation made by the World Conference, in December 1994 the General Assembly proclaimed the United Nations Decade for Human Rights

Education (1995–2004), during which Governments, international organizations, national institutions, non-governmental organizations, professional associations, all sectors of civil society and individuals were called upon to establish partnerships and concentrate their efforts on promoting a universal culture of human rights through human rights education, training and public information. The international Plan of Action for the Decade (see A/51/506/Add.1) sets out detailed objectives for the international community: the building and strengthening of programmes and capacities for human rights education at the international, regional, national and local levels; the coordinated development of effective materials; the strengthening of the role and capacity of the mass media; and the global dissemination of the Universal Declaration of Human Rights (see also E/1998/60).

82. The Plan of Action for the Decade encourages the establishment of national committees for human rights education, which should include a broad coalition of governmental and non-governmental actors responsible for developing and implementing national plans of action for human rights education. Guidelines to assist such national efforts, developed by OHCHR, were presented in an addendum to the previous report of the Secretary-General to the General Assembly (A/52/469/Add.1). At the national level, initiatives undertaken in the framework of the Decade vary considerably in scope, focus and participants involved. Initiatives include sponsoring human rights training programmes for government officials and law enforcement officials, as well as representatives of civil society and providing overall policy guidance through the publication of training and resource materials. Human rights-related courses have been added to school curricula at all levels of instruction, and new methods of human rights instruction have been developed. Reports refer to steps to provide teachers with updated methodological resources, which in many cases are intended to integrate human rights education into a broader range of school subjects. Some countries have adopted comprehensive plans of action for human rights education and established national committees to coordinate activities in this area.

83. Unfortunately, only in a relatively small number of cases has support by the international community for human rights education, training and public information, in terms of human and financial resources, corresponded to the fullest extent with the proclamation of the Decade. However, the occasion of the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights has mobilized more partners to undertake ad hoc or long-term educational initiatives. At the international level, efforts have been made

to combine limited resources and avoid duplication, including through close cooperation among United Nations agencies (e.g., involving DPI and its United Nations information centres all over the world, UNESCO and its national commissions and ITU) and with international organizations. This has significantly enhanced support for national human rights initiatives.

84. The use of the Internet as a tool for providing information on the work of the United Nations human rights programme has been greatly enhanced by the creation of the United Nations Human Rights Web site (www.unhchr.ch). The site was launched in December 1996, and is maintained by OHCHR in English, French and Spanish language versions. It has become one of the major sources of human rights data on the Internet, providing complete and current information on the activities carried out by the United Nations in the field of human rights. A CD-ROM version of the site, which will be produced by the end of 1998, will also contain over 12,000 bibliographic references and the full text of the international human rights instruments. A new quarterly review of OHCHR entitled *Human Rights* was launched in 1997, and provides information on the work of the United Nations human rights machinery.

85. The implementation of the Vienna Declaration and Programme of Action provisions concerning human rights education and public information and the success of the Decade will, over the next five years, require stronger involvement on the part of the international community and a strengthening of the partnership between governmental and non-governmental actors. It is imperative that the importance of human rights education and public information as major investments towards a just and peaceful society be fully understood and valued. Ultimately, the effective promotion and protection of human rights benefitting all people is not possible without a global human rights culture of which education and information are major tools.

XII. Implementation of human rights

86. Making human rights a reality was the overarching idea that guided the World Conference on Human Rights. The generally shared view during the World Conference was that since the major goals in the area of standard-setting had already been achieved, the international community should give increased priority to the implementation of existing standards. The World Conference stated clearly that the protection and promotion of human rights is the first responsibility of Governments. International action can offer

important and sometimes necessary support to efforts by Governments and societies but cannot replace them.

87. The "post-Vienna" period does not offer a consistent picture with regard to the implementation of human rights. Resolutions of the Commission on Human Rights and the General Assembly, reports of special rapporteurs and working groups, as well as comments by the treaty-based bodies, provide evidence of positive developments in many countries. The globally observed trend towards democracy has also benefited the areas of human rights and development. The end of dictatorial regimes in South Africa and Haiti, and the transformation in Central and Eastern Europe are only some notable examples of this process. The fact that this crucial change has been guided and supported largely by international human rights standards gives the international community good reason for satisfaction. It is most encouraging to see how these standards empower people in struggling for democracy, and, after achieving it, in building a democratic society.

88. The five-year review reports submitted by Governments, as well as information from other sources (e.g., State reports to treaty bodies) illustrate that in many countries, an intensive process of legislative change has taken place to ensure the consistency of national law with international standards. Many constitutions and ordinary laws of countries in transition to democracy include direct and indirect references to the Universal Declaration of Human Rights and to international human rights law in general, and also recognize the supremacy of international human rights treaties over domestic regulations. Moreover, national courts increasingly refer to international standards in order to evaluate the validity of national law and practice. Several reports refer to the establishment of human rights institutions and affirmative policies to better promote and protect human rights. References to decisions liberating people from places of detention, abolishing the death penalty or extending pardon for death sentences, reforms of the administration of justice and strengthening of procedures offering the individual concerned the means to claim his or her rights, among others, are also very encouraging. In these processes, which connect human rights, governance and rule of law issues, assistance from the United Nations system is of paramount importance.

89. However, this optimistic picture is distorted by national laws remaining in force, or even newly adopted, that are inconsistent with the letter or spirit of international human rights obligations, such as laws that discriminate against women or interfere with fundamental freedoms (e.g., freedom of opinion, freedom of association, freedom of religion); laws that do not recognize economic, social and

cultural rights; and laws that do not adequately protect individuals in penal proceedings. Unfortunately, such laws are not uncommon. This is particularly disturbing since laws are expressions of political will, and their adoption cannot be explained simply by the negligence or abuse of State officials.

90. The international community is confronted daily with news of grave human rights violations affecting large numbers of people worldwide. The General Assembly and the Commission on Human Rights, treaty bodies and special procedures all regularly deal with (a) obstacles to the enjoyment of all human rights by all, (b) serious human rights violations and (c) difficult human rights situations in a relatively large number of countries. The present report also refers to several thematic issues requiring resolution. The United Nations High Commissioner for Human Rights, in her dialogue with Governments, follows up on the recommendations of the human rights machinery with a view to securing respect for all human rights. It is of paramount importance that determined action be undertaken at the national level to carefully consider and implement these recommendations.

91. Every year, thousands of letters and communications are addressed by individuals and non-governmental organizations to the Secretary-General, the General Assembly, the Commission on Human Rights and other United Nations organs, alleging human rights violations and seeking United Nations intercession on behalf of alleged victims (see figure VII). A considerable part of these are examined through a procedure involving the Commission on Human Rights and the Subcommission on the Prevention of Discrimination and Protection of Minorities, pursuant to Economic and Social Council resolution 1503 (XLVIII), in which the Council sought to identify and respond to systematic and gross violations of human rights.

92. Human rights treaty monitoring bodies are at the centre of the United Nations system for the promotion and protection of human rights. Their impact on the law and practice of State Parties is unquestionable. Equally important in the case of communication procedures, treaty bodies are perceived by those who believe their rights have been violated as agents of international justice (see figure VIII). Treaty bodies are not static structures. On the contrary, their members have proven the ability to adapt to evolving needs. Several new functional concepts have been developed (e.g., early warning procedures, reaction to emergencies, country missions, reports *ex officio* in case of extreme delays in delivery of government reports, follow-up to conclusions, cooperation with United Nations agencies and programmes).

93. However, the unique expertise and wealth of information available within the treaty bodies has not been exploited fully. Since the World Conference, annual meetings of the chairpersons of these bodies have highlighted major obstacles in this context, including the increased workload (reports are frequently not scheduled for examination until two or three years after submission), as well as insufficient secretariat support and time at the disposal of the bodies. Further, the chairpersons stressed delays in reporting by Governments (some 1,000 reports overdue) and limited responsiveness from some components of the United Nations system, in particular the international financial institutions (see A/52/507). While welcoming the success of the Plan of Action for the Convention on the Rights of the Child and the growing support for a more limited Plan of Action for the International Covenant on Economic, Social and Cultural Rights, the chairpersons proposed an overall plan of action to support the work of the treaty bodies and thus help them meet the expectations of Governments and other interested parties (see A/53/125).

94. The call of the World Conference for strengthening the system of special procedures, rapporteurs, experts and working groups under mandates established by the Commission on Human Rights has been responded to by the international community (see figure IX). Decisions of the fifty-fourth session of the Commission on Human Rights concerning the establishment of three new mandates in the area of economic and social rights contributed to a better thematic balance of the system. Holders of special procedures mandates have refined their methods of work; increased the frequency of their country visits; initiated, in some cases, comprehensive comparative analytical studies; and developed procedures for handling individual complaints. Cooperation between thematic rapporteurs and country-specific rapporteurs has developed, for example through joint actions, joint urgent appeals, and in some instances joint country visits. As of 1999, the annual meetings of all special rapporteurs (launched in 1994) and the chairpersons of treaty bodies will be held simultaneously to offer the participants a better possibility for interaction.

95. It is regrettable that several country rapporteurs have not obtained the consent for visits from the Governments of those countries for which specific mandates had been established. A number of requests for country visits by thematic rapporteurs are left without reply. At the same time, the increasing number of countries that have decided to invite thematic rapporteurs has led to greater frequency of country visits. Holders of mandates have stressed repeatedly that the resources to support their activities have not kept up with the increase in mandates, and in fact have been reduced

since 1993. This development has had a negative impact on the work of rapporteurs, *inter alia*, with regard to timely documentation.

96. It should be noted that the ongoing review of the human rights machinery includes the treaty bodies and special procedures systems and should produce comprehensive proposals for achieving greater effectiveness of their action. Meanwhile, OHCHR undertakes to ensure better conditions of work and more effective coordination in both areas within existing resources.

97. The movement of the human rights programme to the field must be cited as one of the essential changes in the human rights activities of the United Nations since the World Conference (see figure X). Today, more than 200 United Nations human rights officers are working in 22 countries around the world. The mandates for these presences come from resolutions or decisions by the United Nations organs, or are the result of agreements between the High Commissioner and the country or countries concerned. The primary purpose of field presences is to support the efforts of countries to create national capacities for the promotion and protection of human rights and the rule of law. Within this general framework, activities focus on providing technical cooperation or combine assistance with monitoring of the human rights situation. The field presences are either part of a wider United Nations presence or set up directly by OHCHR. The experience of the past five years indicates the great importance of this new form of work. It not only enhances the capacity of the United Nations human rights programme to respond adequately to the needs of Member States but also strengthens the input of OHCHR in cooperation with other United Nations partners in the field, resulting in more effective and efficient United Nations action.

98. The World Conference attached great importance to national institutions for the promotion and protection of human rights. Independent and pluralistic, consistent with the "Paris Principles" concerning their status (see General Assembly resolution 48/134, annex). Such institutions uphold the rule of law and democracy and provide electoral assistance, as well as raise human rights awareness through training and education, popular participation and the involvement of civil society. During the last five years, the number of countries that have established such institutions has increased considerably. The Fourth International Workshop of National Institutions, held at Mérida, Mexico (17 to 29 November 1997), and regional meetings in Asia and the Pacific (1997) and Africa (1998) highlighted the vital role national institutions play in approaching complex human rights problems. Contributions to the five-year review

by national human rights institutions also point to their ability to be effective partners at the national level, as well as within the larger human rights community, while maintaining their distinct role as independent institutions. The contributions also stress the wide-ranging input of national institutions, including impartial investigation into alleged violations, assistance to victims, advocacy through information campaigns, education, research and training, as well as monitoring government compliance with treaty commitments. OHCHR, in many cases in cooperation with UNDP and other United Nations field offices, works to catalyse and support the establishment and work of national institutions. This priority activity has produced important results since the World Conference. One can expect that strong national institutions will increasingly take over tasks that currently still require international involvement.

99. It is unquestionable that grave and large-scale human rights violations are both the source and result of conflicts that are currently predominantly of an internal nature and inflict severe damage on civilian populations. Parties resort to strategies and tactics that deliberately target women, children, the poor and the weak, which has given rise to waves of internally displaced persons and refugees. As a result, humanitarian emergencies are commonplace. The international community must commit itself to providing the tools to avert the vicious cycle: violations of human rights lead to conflict, which results in new violations, and soon. The Secretary-General has called for declaring the next century "the age of prevention". Responding to this call is an important and current task. In the vast majority of cases, this is equated with addressing human rights problems as the root causes of conflicts.

100. The human rights programme is playing an increasing role in the United Nations response to the threat of ongoing conflicts. Human rights field presences in Bosnia and Herzegovina and other countries of this region, as well as Rwanda and Burundi should be mentioned as examples of such involvement. Training for the international staff of the United Nations and OSCE operations in human rights has also been provided, *inter alia*, in Angola, Cambodia, Eritrea, Haiti, Mozambique, South Africa and former Yugoslavia (see E/CN.4/1995/89). In addition, human rights components are increasingly being included into peace operations of the United Nations. To analyse the modalities of this involvement, the United Nations Executive Committee on Peace and Security has established a special task force. The reporting, experience and capabilities of OHCHR are regularly taken into account by the Secretary-General and relevant departments of the Secretariat involved in the United Nations response to conflicts.

XIII. Conclusions

101. The Secretary-General, in his 1994 report to the General Assembly on the follow-up to the World Conference on Human Rights (A/49/668), stated that the Vienna Declaration and Programme of Action undoubtedly constituted one of the major events in the United Nations history of human rights. If adequately implemented, it would be a milestone in this history. It is clear that the World Conference has provided an invaluable service by declaring overall principles and formulating detailed recommendations for action in the field of human rights. The international community can justifiably point to significant steps which have been taken over the past five years at both national and international levels to implement the recommendations made by the World Conference on Human Rights.

102. More than at any previous time in history, human rights today articulate the goals of the international community and confirm its commitments to ensuring a life of dignity for all people. As imperatives for the behaviour of governmental and other authorities in all actions that affect people, human rights have become the common measure for the progress of nations and the wider international community. Rooted in the realm of ethics, human rights today serve not only as legal norms but also as the moral underpinnings of international relations, by placing each individual at the heart of national and international concern. On this basis, the international community should continue to develop a global partnership for human rights, an alliance that benefits all people, in particular those in need and those who suffer under oppression. This alliance, which gained significant momentum as a result of the spirit of the Vienna Conference, is indispensable if the hopes for the universal implementation of international human rights standards in the twenty-first century are to be fulfilled. The contributions of all actors are needed in this integrated effort: Governments and international organizations, as well as civil society, including non-governmental organizations, academic institutions, community initiatives and the media, all have vital roles to play.

103. Although the five-year review was primarily intended to assist in the analysis of the practical impact of the Vienna Declaration and Programme of Action to date, it serves an even more important role by contributing to the identification of the persistent challenges to the full implementation of international human rights standards that remain in all countries of the world. In view of the input received by OHCHR specifically for the purpose of the five-year review, as well as other relevant United Nations

documents, the General Assembly may wish to examine, in particular, the response to the following issues, which have direct impact on the full implementation of the Vienna Declaration and Programme of Action:

(a) Strengthening the implementation of human rights at the national level: progress in this regard, for which primary responsibility lies with Governments, remains the main challenge. Assistance in meeting it should be fortified by a conducive international climate for the promotion and protection of human rights. Addressing matters of concern for different countries and regions in a balanced and cooperative way has proved to be a constructive method for the promotion and protection of human rights worldwide;

(b) Making the system of international human rights instruments more effective: ratification of treaties, withdrawal of reservations, development of indicators and benchmarks for marking progress in the realization of rights and increasing the impact of treaty-based bodies all remain major objectives in this context. The universal ratification of the six core human rights treaties, including the optional protocols thereto, within the next five years, would not only serve as a decisive step towards a shared international legal commitment to the implementation of all human rights but would also symbolize the international community's willingness to work in a true spirit of partnership to reach common goals;

(c) Giving effect to the principle that human rights are universal, indivisible and interdependent: the recognition of this principle was one of the critical aspects of the consensus reached by the World Conference. In order to be fully respected and observed, human rights must be understood, promoted and implemented by the international community also from the perspectives of development, peace and security;

(d) Creating a favourable environment for human rights and human development: the eradication of, *inter alia*, extreme poverty, famine and illiteracy must be pursued as basic goals of the entire international community. Governments and international institutions bear this responsibility towards present and future generations;

(e) Preventing human rights violations: prevention of mass and grave human rights violations is the way to effectively avert large-scale suffering of people and many conflicts that result in new violations of human rights. To that end, a comprehensive approach for preventing human rights violations should be adopted by States and the international community, including both addressing the economic, social, ethnic and other root causes of conflict from a human rights perspective, maintenance of the rule of

law and strengthening of democratic institutions. Equally important, the eradication of racism and mass and gross human rights violations, including summary and arbitrary executions, torture and involuntary disappearance, must be the ultimate end of efforts at international and national levels to ensure respect for human dignity;

(f) Enhancing national capacities, including national human rights institutions, to effectively promote and protect human rights: States should consider establishing and/or strengthening national human rights structures and institutions, as well as utilizing existing programmes of technical assistance to support this process. The international community should provide appropriate resources to that end and ensure their optimal use at the national, regional and international levels;

(g) Taking effective action to address the phenomena that render large groups of people vulnerable: States and the international community should address such problems in a comprehensive and coordinated way;

(h) Ensuring the equal status and the implementation of human rights of women: proactive measures at the national and international level are required to that end. Women's human rights have to be mainstreamed into all relevant policies and activities of Governments. This process should be supported by assistance in the field of women's human rights provided by international organizations, including the United Nations system;

(i) Developing a culture of human rights through human rights education: an ultimate breakthrough in the global promotion and protection of human rights, which should be the overall goal of the United Nations human rights programme in the twenty-first century, will depend upon the empowerment of new generations through active knowledge and understanding of their rights. Human rights education must be at the core of educational systems in all countries worldwide;

(j) Strengthening the role of non-governmental organizations and civil society at large: contribution by this sector has been widely recognized as vital for the effective promotion and protection of human rights. Cooperative and innovative approaches should be adopted to fully utilize this unique potential and ensure greater participation of civil society in decision-making;

(k) Implementing the agreed conclusions adopted by the Economic and Social Council in the context of the five-year review of the implementation of the Vienna Declaration and Programme of Action: this will be essential in the process of forging global support for human rights.

104. The international community must conclude that five years after Vienna, a wide gap continues to exist between the promise of human rights and their reality in the lives of people throughout the world. At the beginning of the twenty-first century, making all human rights a reality for all remains not only our fundamental challenge but also our solemn responsibility. The international community must summon the will to adequately respond to current challenges and those that lie ahead. The unanimously adopted Vienna Declaration and Programme of Action has proven its value as a guide for national and international efforts and maintained its role as a central international policy document in the field of human rights. It should continue to chart the course of human rights activities throughout the world in the years to come.

Figure I
Increases in ratifications of the human rights treaties since the World Conference on Human Rights
Number of countries (1993–1997)

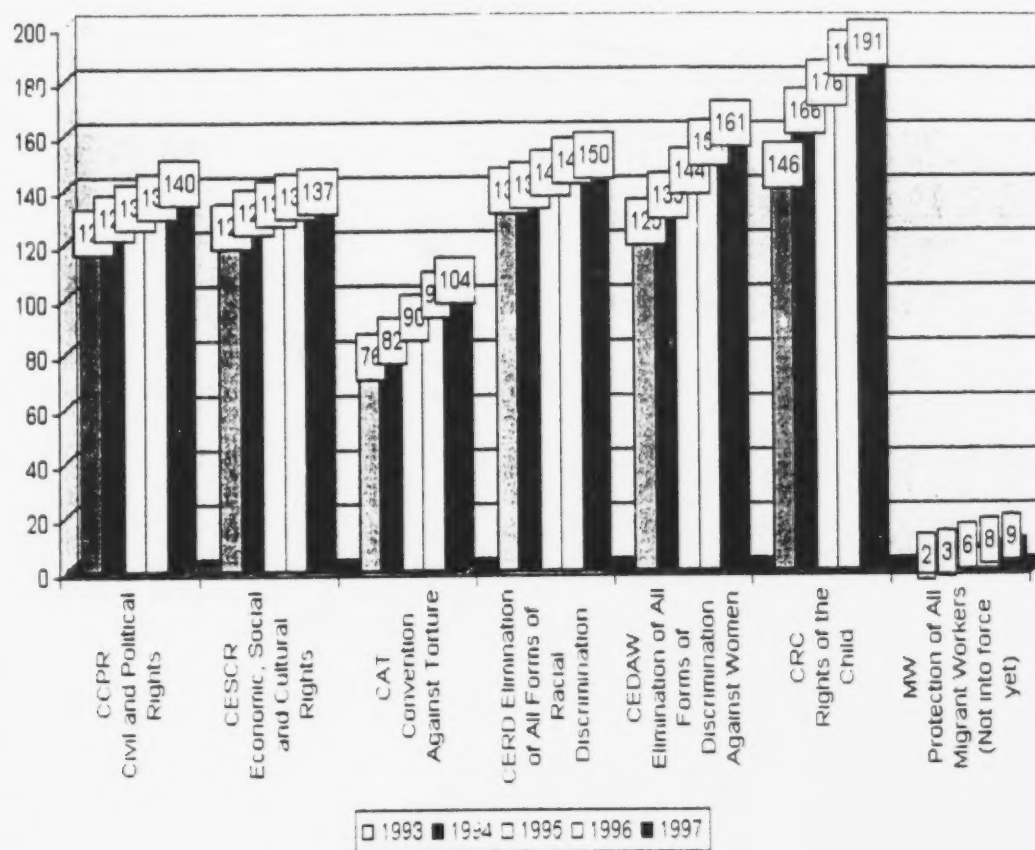


Figure II
Ratification of optional communications procedures

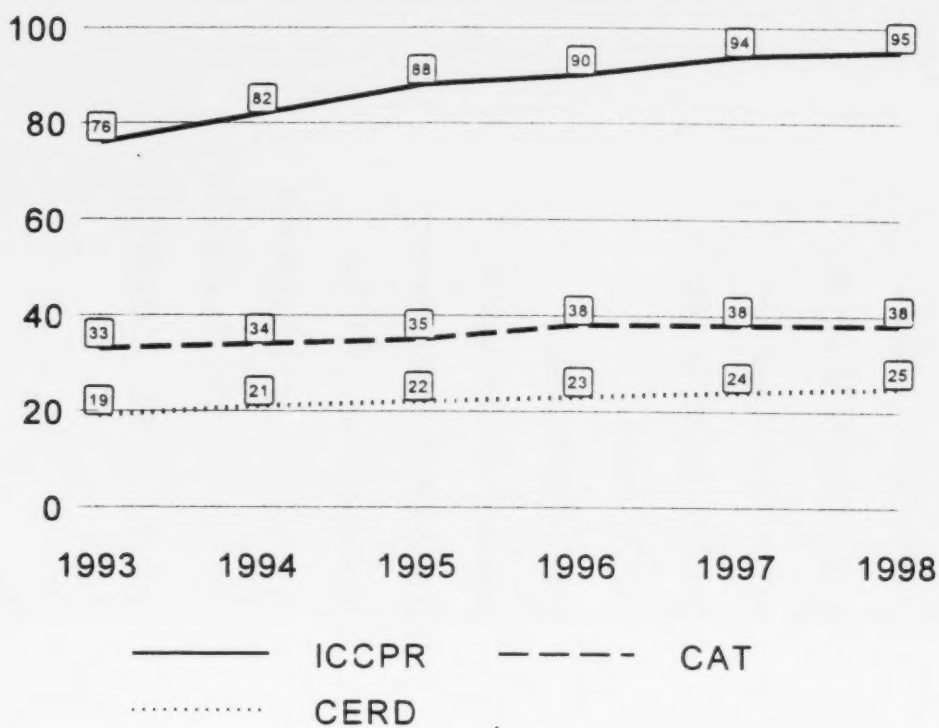
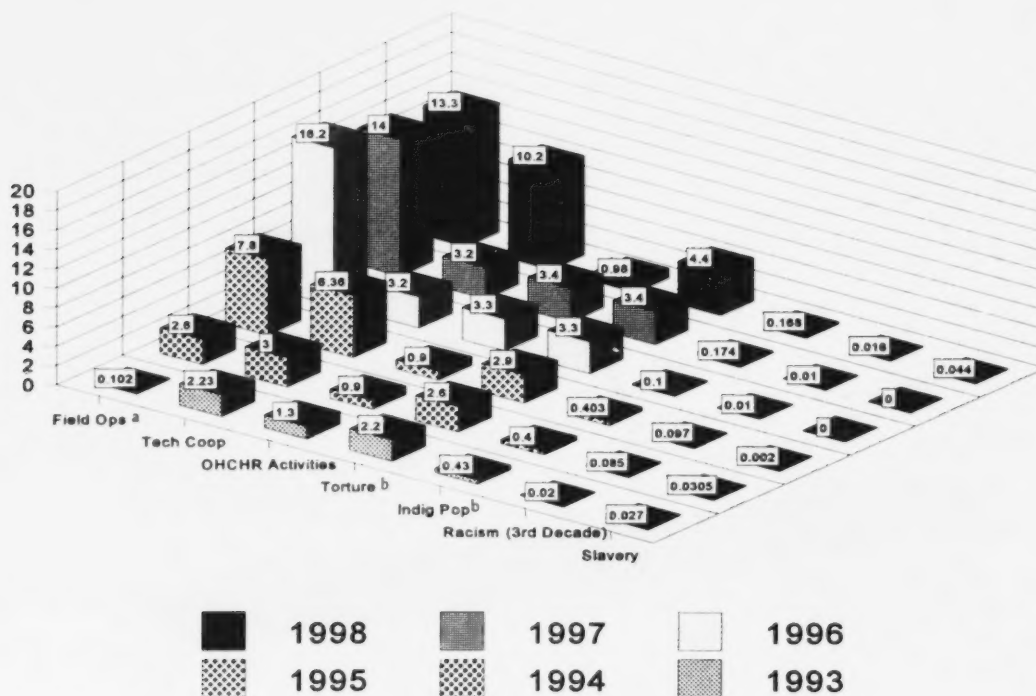


Figure III
Voluntary and trust funds in the field of human rights
(Contributions received as of 30-09-98)



¹ Contributions received for OHCHR field operations.

² Contributions received as of 30 April 1998.

Figure IV
Technical cooperation programme trends: number of main activities (1984–1997)

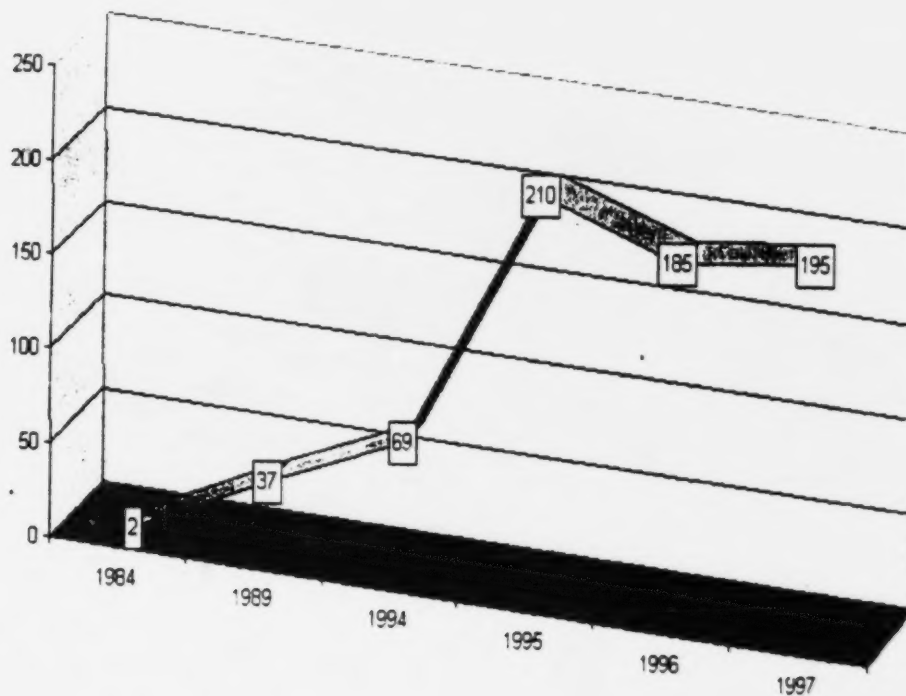


Figure V
Technical cooperation: budgetary allocations, by region, 1997

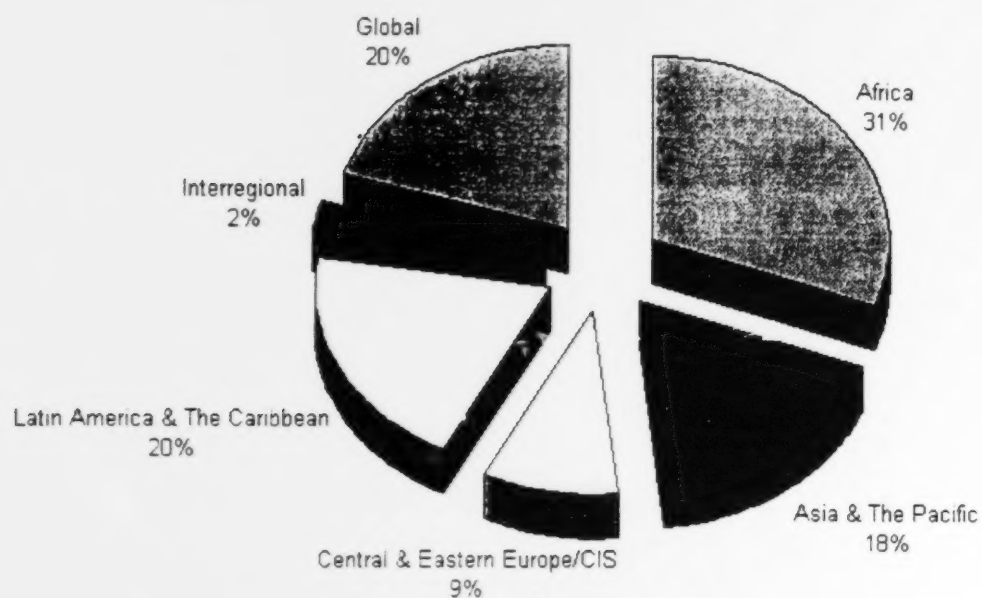


Figure VI
Technical cooperation programmes

	<i>Country programmes carried out</i>	<i>Global programmes carried out</i>	<i>Interregional programmes carried out</i>	<i>Regional programmes carried out</i>
1993	30	0	1	5
1994	43	6	1	5
1995	50	12	2	7
1996	50	12	1	11
1997	50	12	1	9

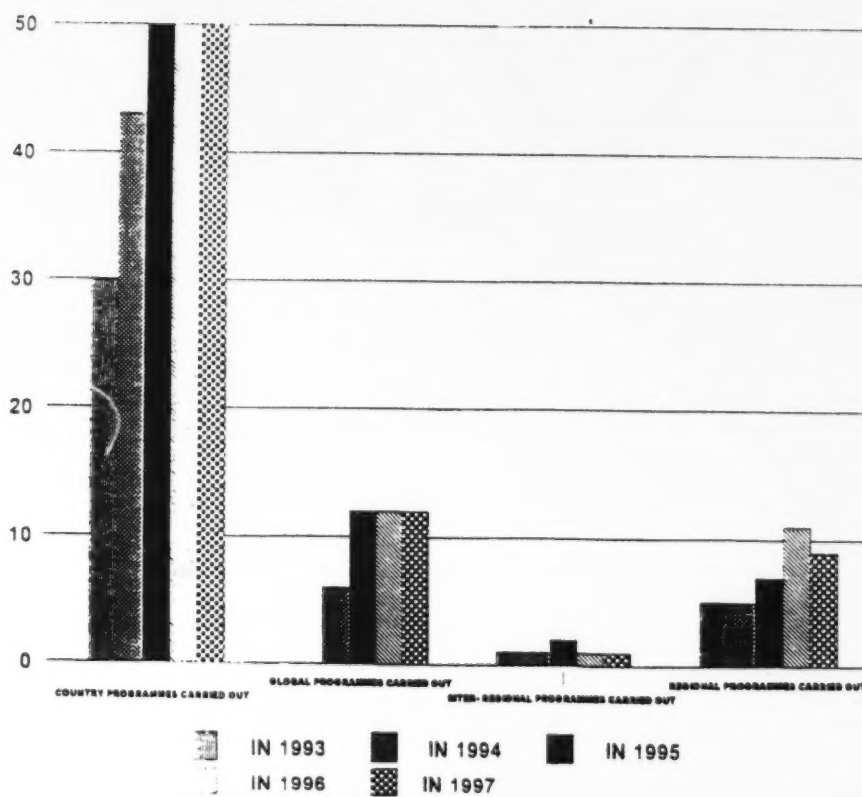


Figure VII

Number of communications received by the extra-conventional mechanisms established by the Commission on Human Rights

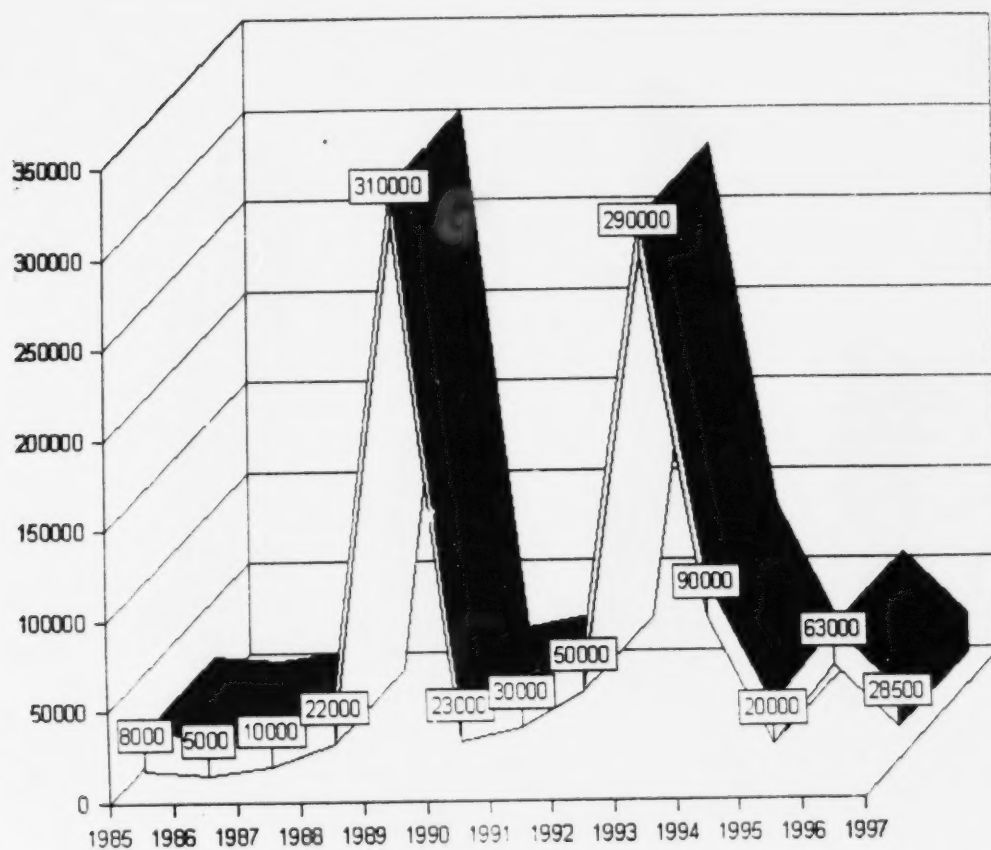


Figure VIII
Individual communications to conventional procedures

Number of cases, 1994-1997

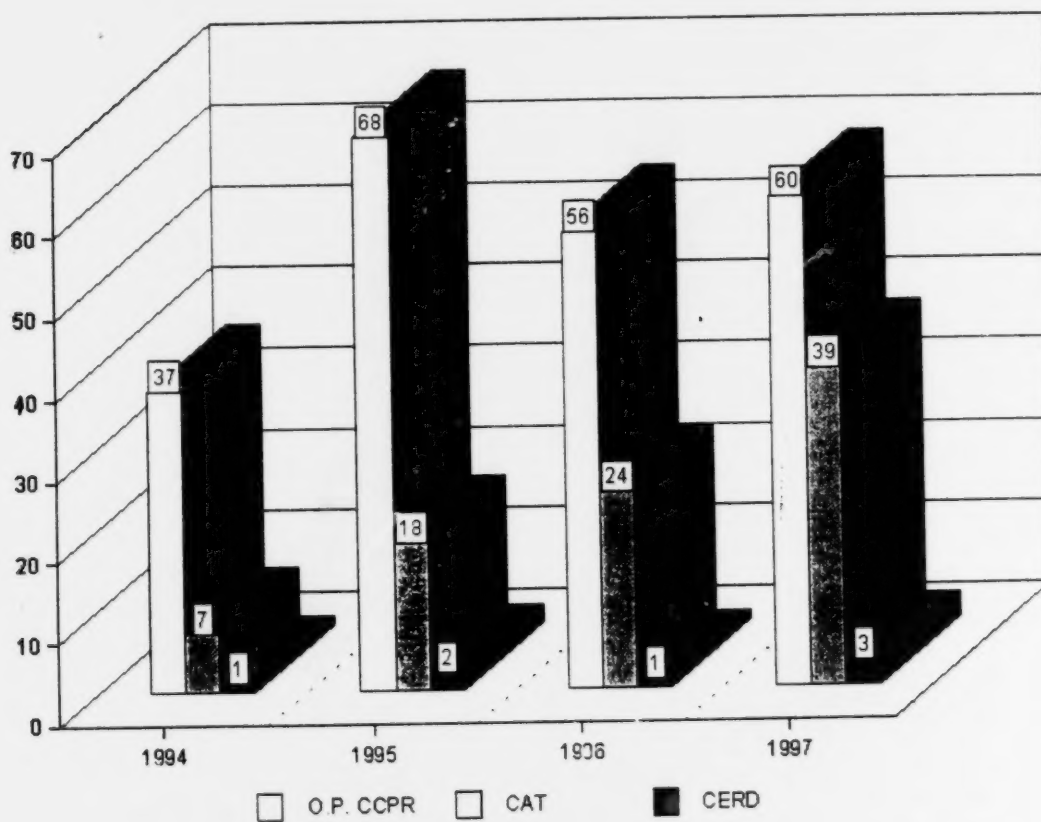


Figure IX

Growth in extra-conventional mechanisms: number of special rapporteurs, representatives, independent experts and working groups, 1995-1998

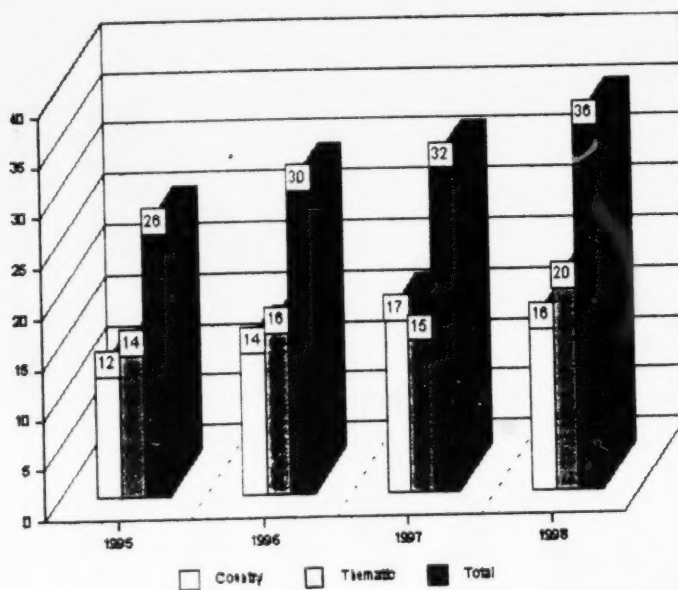


Figure X
Number of OHCHR presences in the field, 1991–1998

